

REMARKS

Claims 1 to 16 are pending.

Claim 4 has been amended for clarity.

The Examiner's rejecting claims 1 to 16 under 35 U.S.C. 103 as obvious in view of U.S. Patent No. 5,093,824 to Coan et al (hereinafter "Coan"), and U.S. Patent No. 5,999,286 to Venkatesan (hereinafter "Venkatesan"). The applicants respectfully disagree.

Specifically, in order to establish a *prima facie* case of obviousness, the Examiner must establish:

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." (See MPEP 2143 – Emphasis Added)

As noted in the Examiner's action, Coan et al teaches a mesh network. As admitted by the Examiner, Coan, does not teach or suggest assessing if first and second protection paths may be combined and in response thereto, releasing a protection channel along the first path and replacing it with a second protection channel.

Instead the Examiner asserts that Venkatesan discloses replacing the first protection channel with the second protection channel if the first protection path may be combined with the second protection path. However,

careful review of Venkatesan, reveals that Venkatesan does not in fact disclose or suggest combining protection paths by replacing the channels between adjacent nodes as claimed, as alleged by the Examiner. In particular, the Examiner appears to rely on the Examiner relies particularly on Figure 17 of Vekatesan and the accompanying text at column 9 lines 40 and onward. The Examiner, asserts that the statement "The 'path id list' field 112 provides a list of path identifiers that will be rolled to a particular alternate route", somehow equates to the claimed limitation

"assessing if said first and second protection paths may be combined; releasing said first protection channel and replacing said first protection channel with said second protection channel along said first protection path if said protection path may be combined with said second protection path."

Review of Venkatesan does not shed much light about the meaning of "rolled". However, as best understood by the Applicants' agent, it appears Venkatesan establishes multiple alternate routes between source and destination nodes. In the event of failure, the existing paths are carried on the established routes. The word "rolled" appears to refer to those paths that will be carried by an established alternate route. (see column 8, line 45- column 9, line 40). No assessment is made to determine if alternate protection paths may be combined; protection channels (or alternate routes) are not combined; and no protection channels are released as claimed, in claims 1 and 15. Venkatesan thus simply fails to disclose or suggest the claimed limitation(s).

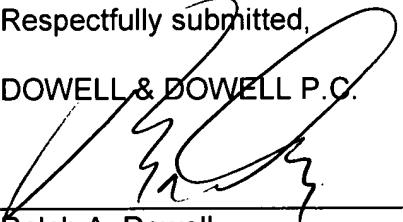
For the same reasons, neither Coan nor Venkatesan disclose or suggest determining if a protection channel along a first protection path protecting a first working path, already exists between said first node and said second node; and if the first working path and the second working path do not share a common points of failure, assigning the existing protection channel to the second protection path, as claimed in independent claim 4.

Similarly, combining first and second protection paths as claimed in claim 13, is simply not disclosed or suggested by Coan or Venkatesan.

In summary, as Coan and Venkatesan, alone and in combination fail to disclose each and every element of the claimed invention, withdrawal of the rejection under 35 U.S.C. 103 of independent claims 1, 4, 13 and 15 is required. Similarly, withdrawal of the rejection of dependent claims 2-3, 5-12, 14 and 16 under 35 USC 103 is required.

In view of the same reason, withdrawal of the rejection under 35 U.S.C. 103 of claims 1-16 is requested.

It is believed that the application is now in condition for allowance. Favourable reconsideration and allowance of the application are earnestly solicited.

Respectfully submitted,

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